



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

BOARD OF DIRECTORS' REGULAR MEETING

July 17, 2002

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7th floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

Questions About an Agenda Item

The name, telephone number and e-mail of the appropriate staff person to contact for additional information or to resolve concerns is listed for each agenda item.

Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

BOARD OF DIRECTORS' REGULAR MEETING A G E N D A

WEDNESDAY
July 17, 2002
9:30 A.M.

BOARD ROOM
7TH FLOOR

CALL TO ORDER

Opening Comments
Roll Call
Pledge of Allegiance
Commendations/Proclamations

Randy Attaway, Chairperson
Clerk of the Boards

PUBLIC COMMENT PERIOD

Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3
Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.

CONSENT CALENDAR (ITEMS 1 – 11)

Staff/Phone (415) 749-

1. Minutes of June 17, 2002

M. Romaidis/4965
mromaidis@baaqmd.gov
2. Communications

W. Norton/5052
exec@baaqmd.gov

Information only
3. Report of the Advisory Council

R. Sawyer/4962
rsawyer@me.berkeley.edu
4. Monthly Activity Report

E. Garvey/4970
egarvey@baaqmd.gov

Division Activities for the month of June, 2002
5. Quarterly Report of the Clerk of the Boards

W. Norton/5052
exec@baaqmd.gov
6. Energy Report

W. Tanaka/5066
wtanaka@baaqmd.gov

Report of District energy use beginning January 2000 through June 2002.
7. District Personnel on Out-of-State Business Travel

W. Tanaka/5066
wtanaka@baaqmd.gov
8. Status Report on Bay Area 2001 Ozone Attainment Plan

E. Garvey/4970
egarvey@baaqmd.gov

*Current Status of District Rule Development Activities and Further Study Measures
Implementing the Bay Area 2001 Ozone Attainment Plan.*

9. Authorize Approval for Representation on the Regional Airport Planning Committee
W. Norton/5052
exec@baaqmd.gov
Authorize Request for Appointment of Representative to the Regional Airport Planning Committee.
10. Resolution to Request that the California Public Employees Retirement System (CALPers) Waive the 960 Hours Rule Applicable to the Interim CEO/Executive Secretary's Employment with the Air District
B. Bunger/4797
bbunger@baaqmd.gov
Adopt resolution requesting that the CALPers Board waive the rule that prohibits the Interim CEO/Executive Secretary from working more than 960 hours without losing retirement benefits and extend the allowable hours an additional 90 days.
11. Authorization for Execution of Contracts in excess of \$35,000
T. Lee/4905
tlee@baaqmd.gov
Pursuant to the District's Administrative Code Division II, Section 4.3. Fiscal Policies and Procedures, staff requests the Board authorize the CEO/Executive Secretary to execute a contract with ViaCom, Outdoor in the amount of \$59,478.75 for 194 billboards and 50 bus shelters ads for the smoking vehicle campaign.

COMMITTEE REPORTS AND RECOMMENDATIONS

12. Report of the **Mobile Source Committee** Meeting of July 11, 2002
CHAIR: T. SMITH
W. Norton/5052
exec@baaqmd.gov
- Action(s):**
- A) *The Committee may recommend approval of staff recommendations on the FY 2002/03 Transportation Fund for Clean Air County Program Manager expenditure plans;*
 - B) *The Committee may recommend adoption of staff's recommended plan to utilize \$2,484,533 in Back-up Generator Mitigation Funds from the California Air Resources Board;*
 - C) *The Committee may recommend Board authorization for the Air Pollution Control Officer to solicit and fund eligible projects consistent with the staff's recommended plan for using Back-up Generator Mitigation Funds, and enter into any necessary funding agreements with eligible project sponsors;*
 - D) *The Committee may recommend Board authorization to incorporate \$159,533 of the Back-up Generator Mitigation funds in the District's FY 2002/03 budget to cover the District's administrative costs of allocating the funds and monitoring the funded projects;*
 - E) *The Committee may recommend approval of the Vehicle Incentive Program for FY 2002/2003.*

PUBLIC HEARINGS

13. Public Hearing on Proposed Amendments to Regulation 9, Rule 10, Nitrogen Oxides and Carbon Monoxide from Boilers, Steam Generators and Process Heaters in Petroleum Refineries and an approval of a Notice of Exemption pursuant to the California Environmental Quality Act

B. deBoisblanc/4704

bdeboisblanc@baaqmd.gov

The proposed amendments would correct rule deficiencies identified by the U.S. Environmental Protection Agency and would allow EPA to grant full approval of the rule into the California State Implementation Plan.

14. Public Hearing on Proposed Amendments to Regulation 8, Rule 51, Adhesive and Sealant Products and on approval of a Negative Declaration for the California Environmental Quality Act

T. Perardi/4667

tperardi@baaqmd.gov

The proposed amendments would exempt methyl acetate from the definition of volatile organic compound (VOC) found in the rule and would allow product formulators to reduce VOC content by substituting methyl acetate for more hazardous solvents.

15. Final Public Hearing and Adoption of Resolution of Intention to Amend the District's Contract with the California Public Employees Retirement System (CALPers) Retirement Formula and Public Service Credit for Peace Corps or AmeriCorps: VISTA Service

W. Norton/5052

exec@baaqmd.gov

Pursuant to the California Public Employees' Retirement Law, Section 21354 and Section 21023.5 the Board of Directors are required to file a resolution with CALPers designating a change in retirement formula and public service credit for Peace Corps or AmeriCorp Service.

OTHER BUSINESS

16. Report of the CEO/Executive Secretary
17. Report of the Air Pollution Control Officer
18. Chairperson's Report

CLOSED SESSION

19. Conference with Legal Counsel

A. Existing Litigation:

Pursuant to Government Code Section 54956.9(a), a need exists to meet in closed session with legal counsel to consider the following cases:

- 1. **Stonelight Tile, Inc. and David Anson v. Bay Area AQMD**, United States District Court, N.D. Cal., San Jose Division, Case No. CV 98-21060 (JW) (PVT)*
- 2. **Alvin J. Greenberg, Ph.D. Bay Area AQMD, et al.**, United States District Court, N.D. Cal., Case No. C 02 1501 VRW*

19. Conference with Legal Counsel Continued
3. **Government Tort Claim of Antoinette W. Stein** (Government Code Section 910) dated January 15, 2002
4. **Owens Corning v. Bay Area Air Quality Management District, Ellen Garvey, and the Hearing Board of the Bay Area Air Quality Management District**, Santa Clara County Superior Court, Case No. CV 790379
- B. Initiating Litigation:
Pursuant to Government Code Section 54956.9(c), a need exists to meet in closed session to decide whether to initiate litigation with respect to one case.
- C. Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9(b), a need exists to meet in closed session to discuss a threat of litigation.
20. Closed Session to Conduct Public Employee Performance Evaluation
Pursuant to Government Code Sections 54957 and 54954.5(e), a performance evaluation will be conducted of the Interim CEO/Executive Secretary, William Norton.
21. Conference with District's Labor Negotiators
(Government Code § 54957.6(a))
Agency Negotiators: William C. Norton
Un-Represented Employees: Management, Confidential and Retirees

OPEN SESSION

22. Board Members' Comments
Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2)
23. Place of Next Meeting - 9:30 a.m., Wednesday, August 7, 2002 939 Ellis Street, San Francisco, CA 94109
24. Adjournment

WCN:mag